

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
)
Amendment of Parts 2 and 90)
of the Commission's Rule to)
Permit Increase Frequencies in)
the 0156-162 MHz Bands by)
Industrial and Land Transportation)
Private Land Mobile Radio Services)
)
)

RM-7956

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: The Commission

OPPOSITION TO PETITION FOR RULEMAKING

The Ohio River Company, by its attorneys, submits the following comments in opposition to the above captioned Petition of the Council of Independent Communication Suppliers ("CICS"), which identifies itself as a "distinct market council" of the Special Industrial Radio Service Association ("SIRSA"). ^{1/}

I.

Introduction

1. The Ohio River Company headquartered in Cincinnati, Ohio is a major operator of barge and towing services in the inland

^{1/} By letter dated May 7, 1992, the Chief, Special Services Division, Private Radio Bureau, advised that comments in connection with the rulemaking petition would be accepted until May 29, 1992.

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waters of the United States. It relies upon marine mobile service in conduct of its business.

II.

Comments

2. CICS/SIRSA in its Petition has asked the Commission to split certain of the 25 kHz channels in the 156-162 MHz band now allocated for use in the maritime mobile service and to allocate the new 12.5 MHz split frequencies to an industrial/land transportation "pool" to be coordinated by SIRSA.

3. CICS/SIRSA also proposes mileage separation criteria and power limitations on the land mobile stations operating on the new split frequencies to prevent adjacent channel interference. While the Ohio River Company shares CICS/SIRSA's concern about frequency scarcity in the VHF bands, it is equally concerned that the CICS/SIRSA proposal is ill-conceived and ill-advised. Not only does it fail to address the frequency congestion problem in a meaningful way, it has the potential for doing great harm to existing and future maritime mobile communications requirements.

4. The maritime radio services are vital to commerce as well as to safety of life and property. Yet, CICS/SIRSA assumes that the needs and demands for the maritime frequencies are somehow not as great as the needs of the industrial land transportation pool. This basic assumption in connection with the rulemaking petition is supported only by a footnote at page 3 of the Petition, Petition, p.3, n.4. The factual predicate for the claim is

a "spot check" of licenses granted in five inland states. There is no actual data offered in connection with channel loading or usage in the 156-162 MHz band or other alternative industrial/land transportation frequencies.

5. Assuming the disparity suggested by CICS/SIRSA in its Petition, the Ohio Barge Company submits that CICS/SIRSA has failed to demonstrate that the situation can be rectified "without reducing maritime users' interference protection or impinging the growth of maritime services." Petition, p.4. In this connection, the fundamental flaw in the CICS/SIRSA Petition is its assumption contained in its one page engineering supplement that the 40 dBu contour is the "de facto standard" in the private land mobile services. Subpart P of Part 80 of the Commission's Rules governing the maritime operations prescribes a 17 dBu contour. The failure of the petitioner to consider the Part 80 standard is not touched upon by CICS/SIRSA. Thus, CICS/SIRSA has understated the coverage contours of maritime stations and accordingly understates the separation needed to protect the primary operations of the maritime stations.

6. The CICS/SIRSA Petition does not directly address whether the land mobile stations on the proposed split frequencies would have primary or secondary status with respect to the maritime stations. If the land mobile stations are given primary status, this would clearly impinge upon the ability of existing maritime station licensees to meet future requirements. The maritime

service licensees must have the flexibility to add new stations and relocate stations to meet the ever increasing and changing needs of the maritime community.

7. Thus, even assuming that the 50 mile separation proposed in the petition provides adequate interference protection, it is unclear how useful the new splits would be to the industrial/land transportation users. See, for example, Comments of the Forest Industries Telecommunications. If the separation requirement is evaluated in light of the requirements of Part 80, as a practical matter the proposed channels would be of little or no use to the industrial/land transportation users.

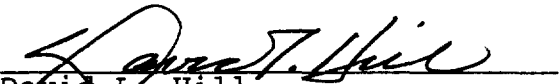
8. In any event, the goal of the Commission should be to alleviate spectrum shortage for all users of frequency bands under 470 MHz. Indeed, the Commission's re-farming proceeding attempts to address the overall issue. It is respectfully submitted that the CICS/SIRSA Petition is premature at best, and at worse, it could frustrate future efforts in dealing with the overall problem, including the development and application of narrow band technology. While land mobile access to maritime mobile spectrum in certain geographic areas may be appropriate and desirable, criteria needs to be established for identifying such areas along with the engineering criteria that will ensure the integrity of the vital maritime mobile operations on a primary basis in the presently allocated band.

9. Accordingly, the Ohio River Company submits that the Federal Communications Commission should deny the above captioned proposal for the reasons stated herein.

Respectfully submitted,

OHIO RIVER COMPANY

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CERTIFICATE OF SERVICE

I, Gladys L. Nichols, do hereby certify that on this 29th day of May, 1992, the foregoing **COMMENTS** were served to the following persons by First Class Mail:

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